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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
 ORACLE AMERICA, INC., a Delaware  
 corporation; and ORACLE INTERNATIONAL  
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
 SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**ORACLE'S MOTION TO SEAL  
 EXHIBITS ACCOMPANYING THE  
 SUPPLEMENTAL DECLARATION  
 OF THOMAS S. HIXSON IN  
 SUPPORT OF ORACLE'S MOTION  
 FOR COSTS AND ATTORNEY'S  
 FEES**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court order the Clerk of the Court to file under seal Amended Exhibit 2 and Exhibits A and B to the Declaration of Thomas S. Hixson in Support of Oracle’s Motion for Costs and Attorneys’ Fees (“Suppl. Hixson Decl.”). These documents reflect information that Oracle, Rimini Street, Inc. (“Rimini”) or a third party has designated “Confidential” or “Highly Confidential - Attorneys’ Eyes Only” under the Protective Order. These documents have been redacted from the public filing, *see* Dkt. 932, and an unredacted version of each was subsequently filed under seal with the Court, *see* Dkt. 934.

#### **DOCUMENTS DESIGNATED BY ORACLE AS CONFIDENTIAL**

Oracle has designated Amended Exhibit 2 and Exhibits A and B to the Suppl. Hixson Decl. as Confidential. Oracle requests that the Court order the Clerk of the Court to file those exhibits under seal.

The “Confidential” designation indicates that, in Oracle’s best judgment, the documents contains “non-public information or matter related to: financial or business plans or projections; . . . current or future business and marketing information, plans, and strategies; studies or analyses by internal or outside experts; customer information, data or lists; . . . competitive analyses; . . . or other commercially or personally sensitive or proprietary information.” Protective Order, ¶ 3. In particular, Amended Exhibit 2 and Exhibits A and B to the Suppl. Hixson Decl. contain confidential competitive information of negotiated billing rates between Oracle and its attorneys, experts and other vendors, and sensitive, case-specific pricing information. Further, the documents reveal the details of Oracle’s relationships with these companies and the terms of their agreements, which are also negotiated. These negotiated billing rates and agreement terms are commercially sensitive and should not be publically disclosed insofar as any such disclosure would create a competitive disadvantage. *Apple Inc. v. Samsung Electronics Co., Ltd.*, 727 F.3d 1214, 1221 (Fed. Cir. 2013) (“One factor that weighs in favor of

1 sealing documents is when the release of the documents will cause competitive harm to a  
2 business.”).

3 Disclosure of this confidential information could interfere with Oracle’s current or future  
4 business relationships or plans. Thus, there is a compelling interest for this information to be  
5 sealed.

6 Oracle has submitted the remainder of the Suppl. Hixson Decl. and supporting exhibits to  
7 the Court’s public files, which allows public access to all materials except for the items discussed  
8 above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Oracle  
9 respectfully requests that the Court grant leave to file under seal the documents discussed above.

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11 DATED: November 25, 2015

MORGAN, LEWIS & BOCKIUS LLP

12 By: /s/ Thomas S. Hixson  
13 Thomas S. Hixson  
14 Attorneys for Plaintiffs  
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16 Oracle America, Inc.,  
17 and Oracle International Corp.  
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